

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTH AMERICAN
CAPACITY INSURANCE
COMPANY,

No. C 03-5521 WDB

ORDER

Plaintiff,

v.

TURNER CONSTRUCTION
COMPANY, et al.,

Defendants.

Defendant Turner Construction Company recently submitted correspondence to the Court arguing that good cause exists for excusing Turner from responding to plaintiff's pending motion for summary judgment. Defendant requests that the Court conduct a Case Management Conference to consider this issue. Plaintiff has submitted correspondence opposing defendant's request.

The Court finds that the matters raised in these letters cannot be appropriately resolved at a Case Management Conference. The Court notes that Turner is permitted to file its own potentially dispositive motion at the time it files its opposition to plaintiff's pending motion for summary judgment. On this record, however, the Court cannot relieve Turner of its obligation to respond to plaintiff's motion.

IT IS SO ORDERED.

Dated: January 30, 2006

/s/ Wayne D. Brazil
WAYNE D. BRAZIL
United States Magistrate Judge

Copies to: Parties, WDB, stats.